THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.18294 OF 2003

DATED: 05-02-2007

BETWEEN

Golla Laxmaiah, S/o. Peda Venkaiah,
R/o. Damavaram Village, Dagadarthi
Mandal, Nellore District and others.

...PETITIONERS

AND

The District Collector,
Nellore District and others.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to direct the respondents 1 to 4 to take action in accordance with Sections 3 and 17 of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989 (for short 'the Act') forthwith for the atrocities being committed by respondents 5 to 32 against the petitioners and to take steps for maintenance of public order by ensuring peaceful possession and enjoyment of land in Sy.Nos.238 to 259 of Damavaram Village, Dagadarthi Mandal, Nellore District.

2. Heard the learned counsel for the petitioners as well the counsel for the respondents.

3. Counters have been filed by the official respondents and the unofficial respondents. It is stated that the petitioners have approached the Human Rights Commission and also this Court on earlier occasion in W.P.No.3744 of 2001 and obtained a direction on

19.03.2001 for taking appropriate action for restoration and possession of the land to the original assignees by evicting trespassers in the land in Damavaram village. It is stated that one Gogula Venkaiah, MPP President, Dagadarthi submitted a representation to the District Collector, with regard to the handing over an extent of
Ac.148-00 cents in S.No.238 etc. of Damavaram village to persons who are not original assignees and requested to take necessary action. The same was forwarded to the Revenue Divisional Officer, Kavali,
for enquiry. After conducting necessary enquiry it was found that the petitioners were not the residents of K. K. Gunta, Damavaram village or elsewhere of Dagadarthi Mandal. It is further stated that, in fact, criminal action has been initiated against trespassers i.e. the respondents 5 to 32 herein in Cr.No.48 of 1999 under Sections 143, 447, 506 of the Indian Penal Code, 1860 and Section 3(i)(iv)(vi) of the Act and the case was charged on 28.07.2000 and the same was committed to Sessions Court on 18.05.2003, which was numbered as S.C.No.67 of 2003 and posted for appearance of accused on 23.09.2003.

It is further stated that another case in Cr.No.61 of 2001 under Sections 147, 447, 188, 353 read with 149 IPC was also registered by Dagadarthi Police Station on 01.11.2007 against five trespassers i.e. respondents 6, 9, 23 herein and two others. All the accused were arrested and the case is pending trial in C.C.No.50 of 2002 in the Court of AJFCM, Kovvur. It is further stated that on a complaint given by Ega Papaiah, a case in Cr.No.48 of 1999 was registered under the provisions of the Act and other relevant provisions of IPC and the said case is also pending trial in S.C.No.67 of 2003.

4. In view of the aforesaid facts and circumstances of the case and as action has already been taken in accordance with the provisions of the Act, I am of the opinion that no further orders are required to be passed in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 5, 2007
DSK